

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT  
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number  
(Optional)  
GIL.P.US0032

First Named Inventor: Michael Man-Cheung Tsang

International (PCT) Application No.: PCT/GB03/01987

U.S. Application No.:  
(if known)

Filed: May 8, 2003

Title: FITTING PROTECTOR

Attention: PCT Legal Staff  
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity - fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Proper reply**

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of \_\_\_\_\_ (identify type of reply):

☐ has been filed previously on \_\_\_\_\_

☒ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is (1) provided by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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- 6 JUN 2003  
International Legal Staff

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Rodney L. Skoglund  
Signature

December 7, 2004  
Date

Rodney L. Skoglund

Typed or Printed Name

36,010

Registration Number, if applicable

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Akron, Ohio 44308

Address

Enclosures: ☒ Response

☒ Fee Payment

☐ Terminal Disclaimer

☒ Other (please identify): **Additional Statements Establishing Unintentional Delay, check**

10/518086

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )  
Michael Man-Cheung Tsang )  
Serial No.: PCT/GB03/01987 )  
Internationally Filed: May 8, 2003 )  
For: FITTING PROTECTOR )

## Certificate of Express Mailing

I hereby certify that this correspondence was deposited with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of December, 2004

*Melinda A. Miller*  
) Melinda A. Miller, Sec'y to Rodney L. Skoglund

## ADDITIONAL STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In order to establish that the entire delay in filing a national phase patent application based upon the above-captioned International patent application from the due date required until the filing of this grantable Petition was unintentional, I make the following statements.

1. I first became aware that the U.S. national phase filing of the subject PCT application was no longer possible when I contacted my U.K. agent on or around November 25, 2004.
2. My U.K. agent had instructed me as to when the due date for filing the U.S. patent application was due, but I unintentionally and inadvertently failed to notice that the due date had lapsed prior to contacting him.
3. At all times previous I was under the impression that the PCT application remained pending and that the U.S. application could be filed upon my instructions.
4. I have never intended to abandon my ability to file a U.S. national phase application from the subject PCT application.
5. Upon learning that the PCT application had been abandoned, I instructed my

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U.K. associate to instruct our U.S. attorney of record, Mr. Rodney L. Skoglund, to revive the patent application in the United States.

6. At all times since then, I have diligently attempted to have this U.S. national phase application filed in compliance with the United States Patent laws.

Respectfully submitted,



Michael Man-Cheung Tsang

Dated: 7/DEC/2004.

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